

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ROSA STEPHANIE SANTOS, *et al.*,

Plaintiffs,

-against-

SMITH TRANSPORT, INC., *et al.*,

Defendants.

USDC SDNY
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DATE FILED: 6/26/2023

1:23-cv-2257 (MKV)

TRANSFER ORDER

MARY KAY VYSKOCIL, United States District Judge:

Plaintiffs originally filed this action in the Supreme Court of the State of New York, Bronx County, asserting personal injury claims stemming from a motor vehicle accident on the Long Island Expressway in Queens, New York. Defendants later filed a notice of removal in this Court. *See* Notice of Removal [ECF No. 1].

Under the general venue provision, a civil action may be brought in:

(1) a judicial district in which any defendant resides, if all defendants are residents of the State in which the district is located; (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred . . . ; or (3) if there is no district in which an action may otherwise be brought as provided in this section, any judicial district in which any defendant is subject to the court's personal jurisdiction with respect to such action.

28 U.S.C. § 1391(b). Under Section 1391(c), for venue purposes, a “natural person” resides in the judicial district where the person is domiciled, and any other defendant “entity with the capacity to sue and be sued” shall be deemed to reside in any judicial district where it is subject to personal jurisdiction with respect to the civil action in question. § 1391(c)(1), (2).

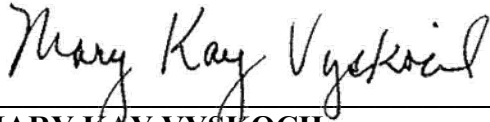
Defendants do not reside in this district or this state, *see* Complaint ¶¶ 4, 5, 7 [ECF No. 1-1] (“Compl.”), and the events giving rise to Plaintiffs’ claims occurred in Queens County, New York, Compl. ¶¶ 29–30. Queens County is not in this District. Because there is no apparent connection to this District, venue is not proper under Section 1391. Accordingly, this action is

transferred to the United States District Court for the Eastern District of New York. *See* 28 U.S.C. § 1406(a).

The Clerk of Court is respectfully requested to transfer this case to the Eastern District of New York and to close this case. The Clerk of Court is further requested to mail a copy of this Order to the *pro se* defendant at the address of record.

SO ORDERED.

Date: June 26, 2023
New York, NY



MARY KAY VYSKOCIL
United States District Judge